

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 4, 2020

Christopher M. Wolpert
Clerk of Court

JIMMIE G. BILES, JR., M.D.,

Plaintiff - Appellee,

v.

JOHN HENRY SCHNEIDER, JR., et al.,

Defendants - Appellants.

No. 20-8039
(D.C. No. 2:19-cv-00048-NDF)
(D. Wyo.)

ORDER

This matter is before the court *sua sponte* on review of the appellant's docketing statement. On July 17, 2020, Appellant Medport, LLC, filed a document titled Defendant MedPort's Motion for Summary Judgment and to Alter or Amend Judgment (Dist. Ct. Docket No. 98), which remains pending. It appears that this motion may have been timely filed, which would toll the time to appeal from the district court's Order Granting Plaintiff's Motion for Partial Summary Judgment and Granting Request for Permanent Injunction (Dist. Ct. Docket No. 92) and (partial) Judgment in a Civil Action (Dist. Ct. Docket No. 93). Fed. R. App. P. 4(a)(4)(A)(ii), (iv). Accordingly, proceedings in this appeal are ABATED. The parties shall complete the required preliminary appellate filing requirements, however.

The notice of appeal will become effective when the district court enters an order deciding the pending motion. *See* Fed. R. App. P. 4(a)(4)(B)(i); *see also id.* 4(a)(4)(B)(ii)

and Breeden v. ABF Freight Sys., Inc., 115 F.3d 749, 752 (10th Cir. 1997). The appellant shall notify this court by filing a status report within five (5) days after the district court decides the pending motion. The appellant shall attach a copy of the district court's order to the status report.

Also within five (5) days after the district court enters its order deciding the pending motion, we direct the clerk of the district court to transmit to this court a supplemental preliminary appellate record including the order and an updated docket sheet. *See* 10th Cir. R. 3.2(B).

If the district court has not decided the pending motion by September 3, 2020, the appellant shall file a status report in this court to advise what events have occurred toward resolution of the pending motion, even if nothing new has happened.

The parties will receive additional direction following the occurrence of one of the events described above.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in cursive script, appearing to read "Lara Smith".

by: Lara Smith
Counsel to the Clerk